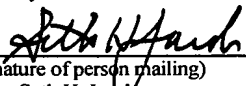


hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this 3rd day of November 2000.

By


(Signature of person mailing)
Seth H. Jacobs

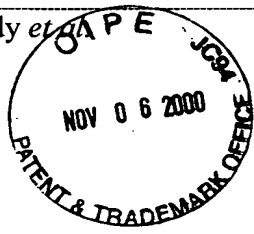
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: K. Lundy *et al* : 

APPLICATION NO.: 09/308,955

: Examiner: C. Delacroix-Muirheid

FILING DATE: May 27, 1999

: Group Art Unit: 1600

TITLE: Cox-2 Selective Carprofen for Treating Pain
and Inflammation in Dogs :

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231
Sir:

RESPONSE

This paper is responsive to Office Action of October 3, 2000.

It appears that the Examiner requires election of a particular type of combination therapy with respect to claims 4 and 11. Applicants elect the therapy of subparagraph "B" with respect to these claims. It is understood that if patentability is determined for this therapy, the remaining therapies will be examined.

The Examiner has also required election of a single species of compound within the generic Formula 1 for examination with respect to claims 1, 5, and 12. This requirement is respectfully traversed. The basis for the Examiner's requirement is that the species included in the genus of claim 1 are structurally and chemically distinct.

It is initially noted that no lack of unity was determined at the international stage of this application.

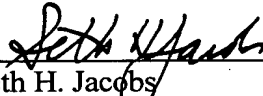
Further, it is respectfully submitted that this determination was appropriate since the compounds encompassed have a common structure and share a common asserted utility (see Example 18 of the Examples relating to determination of lack of unity under the PCT). There is, in fact, submitted to be a quite clear common structure here as set out in claim 1, that employs the common core carbazole structure shown. For this reason, withdrawal of the restriction requirement with respect to claims 1, 5,

and 12 is requested.

Applicants provisionally elect examination with respect to the compound recited in claim 2, *i.e.* carprofen (6-chloro-alpha-methyl-9H-carbazole-2-acetic acid).

Respectfully submitted,

Date: 11/3/00


Seth H. Jacobs
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